

broken packages at Maugansville, Md., alleging that the article had been shipped by the High Spire Flour Mills, Inc., from High Spire, Pa., in two consignments, on or about March 13 and May 12, 1926, respectively, and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Wheat Middlings Minimum Crude Protein, 15. per cent Minimum Crude Fat, 3. per cent \* \* \* Manufactured by Highspire Flour Mills, Inc. Highspire, Pennsylvania."

Misbranding of the article was alleged in the libel for the reason that the statement "Minimum Crude Protein, 15. per cent Minimum Crude Fat, 3. per cent" was false and misleading and deceived and misled the purchaser.

On July 2, 1926, the High Spire Flour Mills, Inc., High Spire, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold or disposed of until properly labeled, and inspected and approved by this department.

W. M. JARDINE, *Secretary of Agriculture.*

**14544. Adulteration of walnut meats. U. S. v. 10 Cases of Walnut Meats. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20855. I. S. No. 10475-x. S. No. W-1882.)**

On February 23, 1926, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of walnut meats, remaining in the original unbroken packages at Spokane, Wash., consigned by the Sunset Nut Shelling Co., San Francisco, Calif., alleging that the article had been shipped on or about February 2, 1926, in interstate commerce from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: Amber Walnut Meats, Packed by Sunset Nut Shelling Co. San Francisco, Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On July 19, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14545. Adulteration and misbranding of vanilla flavor. U. S. v. 2 Gross Bottles Vanilla Flavor. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20772. I. S. No. 10453-x. S. No. W-1844.)**

On January 14, 1926, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 gross (bottles) of vanilla flavor, remaining in the original unbroken packages at Yakima, Wash., alleging that the article had been shipped by Lang & Co., from Portland, Oreg., November 28, 1925, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Retail label) "Great American Brand Compound Vanilla Flavor Specially Prepared From Vanilla Bean Chemically Pure Vanillin, Coumarin And Caramel Color," the words "Compound Vanilla Flavor" being much more prominent than the remainder of the quoted label. The shipping case bore the retail label and the statement: "Three Dozen, Two Ounce."

Adulteration of the article was alleged in the libel for the reason that an imitation vanilla flavor, artificially flavored and colored, had been substituted wholly or in part for the said article, and in that it had been mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the labels on the cases containing the article were false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On July 19, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14546. Adulteration and misbranding of feed. U. S. v. Maritime Milling Co., Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 19632. I. S. Nos. 12663-v, 12664-v, 22263-v, 22264-v.)**

On May 25, 1925, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Maritime Milling Co., Inc., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the food and drugs act, from the State of New York into the State of Maryland, in part on or about March 21, 1924, and in part on or about June 7, 1924, of quantities of feed which was adulterated and misbranded. A portion of the article was labeled: "Creamery Red E Mixt Feed Guaranteed Analysis Protein 20% \* \* \* Fibre 10% \* \* \* Maritime Milling Co. Inc. Buffalo, N. Y." The remainder of the said article was labeled: "Bull Brand Registered Dairy Ration Guaranteed Analysis Protein Not Under 24% Fat Not Under 6% \* \* \* Manufactured By Maritime Milling Co. Inc. Buffalo, N. Y."

Analysis by the Bureau of Chemistry of this department of samples of the Red E mixed feed showed that it contained 18.9 per cent and 19.4 per cent of protein and 10.3 per cent and 10.6 per cent of crude fiber; analysis by said bureau of samples of the Bull brand dairy ration showed that it contained 21.6 per cent and 21.7 per cent of protein and 5.2 per cent and 5.6 per cent of fat.

Adulteration of the article was alleged in substance in the information for the reason that a feed containing less than 20 per cent of protein and more than 10 per cent of fiber, with respect to the Red E mixed feed, and containing less than 24 per cent of protein and less than 6 per cent of fat, with respect to the Bull brand dairy ration, had been mixed and packed with the article, so as to reduce and lower and injuriously affect its quality and strength and had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 20% Fibre 10%," with respect to the Red E mixed feed, and "Guaranteed Analysis Protein Not Under 24% Fat Not Under 6%," with respect to the Bull brand dairy ration, borne on the respective labels of the product, were false and misleading, in that the said statements represented that the former contained 20 per cent of protein and not more than 10 per cent of fiber, and that the latter contained not less than 24 per cent of protein and not less than 6 per cent of fat, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the former contained 20 per cent of protein and not more than 10 per cent of fiber, and that the latter contained not less than 24 per cent of protein and not less than 6 per cent of fat, whereas the said Red E mixed feed contained less protein and more fiber than declared, and the said Bull brand dairy ration contained less protein and less fat than declared.

On May 15, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

**14547. Adulteration and misbranding of feed. U. S. v. Thomas-Boyce Feed Co. Plea of guilty. Fine, \$100. (F. & D. No. 19618. I. S. Nos. 22253-v, 22254-v.)**

On April 14, 1925, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Thomas-Boyce Feed Co., a corporation, trading at Attica, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about April 3, 1924, from the State of New York into the State of Maryland, of quantities of feed which was adulterated and misbranded. A portion of the article was labeled: "Direct Dairy Feed Analysis Protein 24% Fat 5% \* \* \* Made of Pure Feed: Linseed Oilmeal, Cottonseed Meal, Corn Gluten Feed, Hominy Feed, Wheat Bran, Wheat Middlings, Salt. Manufactured by Thomas-Boyce Feed Co. Attica, N. Y." The remainder of the said article was labeled: